

MINUTES ADOPTED BY CITY COUNCIL

Greenville, NC
April 10, 2006

The Greenville City Council met in a regular meeting on the above date at 6:00 PM in the City Council Chambers, third floor of the Municipal Building, with Mayor Robert D. Parrott presiding. The meeting was called to order, followed by the invocation by Council Member Glover and the pledge of allegiance to the flag. The following were present.

Mayor Robert D. Parrott
Mayor Pro-Tem Mildred A. Council
Council Member Ray Craft
Council Member Pat Dunn
Council Member Rose H. Glover
Council Member Chip Little
Council Member Larry Spell
Wayne Bowers, City Manager
Patricia A. Sugg, Deputy City Clerk
David A. Holec, City Attorney

APPROVAL OF AGENDA

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Council to approve the agenda as presented. Motion carried unanimously.

APPROVAL OF CONSENT AGENDA - APPROVED

Motion was made by Council Member Craft and seconded by Council Member Council to approve all the items under the consent agenda as listed below. Motion carried unanimously.

- (1) Minutes from the February 9, February 20 and March 6, 2006 City Council meeting
- (2) Consideration of various tax refunds

<u>Name</u>	<u>Reason</u>	<u>Amount</u>
Robert Lewis Kelly, Jr.	Vehicle charged in city Limits in error	\$ 115.01
Percy Ray Cox	Prorate taxes on vehicle	\$ 111.27
Bradley Dale Otey	Prorate taxes on vehicle	\$ 122.59
Tyrone Taft	Prorate taxes on vehicle	\$ 113.80
General Electric Credit Corp.	Business personal property charged in error	\$3,993.74
- (3) Ordinance revoking the limousine franchise of Hodges Limousine, Inc. d/b/a Coastal Limousine (Ordinance No. 06-34)
- (4) Continuance of consideration of an ordinance for a taxicab franchise for Robert Barnes

- (5) Resolution to abandon a portion of a utility easement at Bradford Executive Park, Section 5, and to authorize the execution of a deed of release (Resolution No. 06-08, Contract No. 1505)

PRESENTATION BY BOARDS AND COMMISSIONS

Police Community Relations Committee

Ms. Regina Wallace, Chair of the Police Community Relations Committee, stated that the committee was established in 1996, and was formed to act as a liaison between the community at-large and the Police. The committee serves as an advocate for different programs to improve relations between the community and the Police Department. The committee also disseminates information to the community with regards to the state of relations between the community and the police. There are 7 members on the committee with the Mayor and each Council Member making an appointment of one member to the committee. Ten meetings are held during the year giving the public an opportunity to interact with the police department and address questions and concerns. Attendance has been good and productive exchanges of information always occur. During the past year Chief Simonowich has brought various members of his staff to the meetings to provide presentations on the Drug Task Force, identity and financial fraud, neighborhood services, and gang awareness. At a recent meeting, a panel consisting of individuals from different districts gave positive community involvement information on how to better help the Community Watch Programs in the neighborhoods. Also, during the meetings a report on the Police Department's efforts and activities in each district are given, and the public is then given the opportunity to express any concerns that they may have. These concerns range from issues involving traffic problems to drug activities. Chief Simonowich or a representative is present to respond to citizen's concerns. If the information is not immediately available, the Chief of Police will obtain an answer and contact the concerned citizen and also provide the feed back at the next committee meeting. Another endeavor of the committee has been its active support for the Citizen's Police Academy, which provides a better understanding to citizens of the responsibilities of the Police Department. Most of the committee members are graduates of the academy and can attest to the benefits of the academy. The Police Community Relations Committee has had a successful year in fulfilling their duties. Ms. Wallace expressed the Committee's appreciation for being allowed to serve the community and thanked the Council Members for their attendance, input and participation in helping the committee remain informed.

Citizens Advisory Commission on Cable Television

Mr. Tim Hudson, Chairman of the Citizens Advisory Commission on Cable Television, stated that the Commission met on March 21, 2006 and approved the resolution supporting the Greenville-Pitt Public Access Television Corporation's request that the City and County together provide \$127,220 for the purchase of automation, field and editing equipment plus \$100,000 annually for staffing and operations. The funds should come from the city and county cable television franchise fees. The numbers are based on figures of a recent needs assessment conducted by Rice, Williams and Associates, who is commissioned by the City of Greenville, as well as additional input from Mr. Steve Hawley, Public Information Officer, and recommendations from the GPPAT Corporation members, and members of the Commission.

Council Member Spell asked what the current budget line was for funding Public Access Television.

City Manager Bowers replied that there is no line item in the current budget for ongoing expenses. There has been funding in the past, but in small amounts on an ad hoc basis.

Council Member Spell asked that someone look into adding a line item for funding Public Access Television in the budget.

City Manager Bowers replied that he would be giving a preview for the next two-year budget, and there would be a line item for funding Public Access Television.

RESOLUTION IN SUPPORT OF WIDENING NC HIGHWAY 43 FROM PALADIN DRIVE TO US 264 - ADOPTED

Mr. Tom Tysinger, Public Works Director, informed the City Council that this request comes to the Council from the Trustees of East Carolina University and University Health Systems. The proposed project involves widening NC 43 from Paladin Drive to US 264 Bypass. The approximate distance is one mile. The widening will provide a gateway into Greenville from the north and improve vehicular access to the Medical Center. Currently, the project is not within the State's Transportation Improvement Program, and it is both the University's and the Hospital's hope that the resolution before City Council along with the Department of Transportation Board Members' help will enable Greenville to get the project in the Transportation Improvement Program.

Mayor Pro-Tem Council asked if the project would include straightening up the dangerous curve at B's Barbeque Road and Highway 43.

Mr. Tysinger replied that the curve is a vertical site distance problem and the State would address that issue.

Motion was made by Council Member Little and seconded by Council Member Dunn to adopt the resolution in support of widening Highway 43 from Paladin Drive to 264 Bypass. Motion carried unanimously. (Resolution No. 06-09)

RESOLUTION REQUESTING THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO INSTALL ADDITIONAL DIRECTIONAL SIGNAGE FROM RALEIGH TO GREENVILLE - ADOPTED

Mr. Tysinger stated that the proposed resolution requests that additional directional signage be placed along the 440 Beltline around Raleigh, both north and south, and along the Knightdale Bypass that has been opened for 6 to 7 months. Approximately 12 or 13 new signs would show direction to Rocky Mount, Wilson and Greenville. Presently the signs only show Rocky Mount and Wilson. The project cost is estimated at \$116,000. Mr. Tysinger informed the Council that this is a project that Marvin Blount III, Department of Transportation Board Member, has been working on since the opening of the bypass and the Resolution of Support is needed to move

forward with the signage. As a major point or destination to the east, this additional signage is critical in getting visitors to Greenville. A few years ago there were signs put up coming to Greenville, which were added on to existing signage. The project will replace the signs that are overhead and the large signs on the side of the road, with Greenville having equal billing to Rocky Mount and Wilson.

Mayor Pro-Tem Council stated that the National League of Cities has expressed that the gateways to cities can make people feel welcome and bring more people into the cities across the nation.

Motion was made by Council Member Dunn and seconded by Council Member Craft to adopt the resolution requesting the North Carolina Department of Transportation to install additional directional signage to Greenville from the Raleigh area. Motion carried unanimously. (Resolution No. 06-09)

CONTRACT FOR THE DESIGN OF THE THOMAS LANGSTON ROAD EXTENSION PROJECT - APPROVED

Mr. David Brown, City Engineer, stated that the Public Works Department solicited Statements of Qualifications from engineering firms to provide professional services associated with the design of the Thomas Langston Road Extension from South Memorial Drive to Evans Street. The project will provide for the construction of a multi-lane, median divided road that is 1.1 miles in length. The project will include a planted median, curb and gutter, sidewalk, and landscaped areas. The new roadway will include improvements to two intersections, an at-grade crossing of the CSX Railroad, and improving a segment of the existing 2-lane roadway (Regency Boulevard).

In response to the request, five engineering firms submitted proposals. Three firms were selected for interviews. As a result of those interviews, Baldwin and Associates was selected. The design will begin in April 2006 and is expected to be completed by December 2006. After completing the design and obtaining all applicable permits, the project is expected to go out for bids in early 2007 with construction starting in the summer of 2007.

Motion was made by Council Member Little and seconded by Council Member Craft to approve the proposed budget and award a professional services contract to Baldwin and Associates in the amount of \$147,962 for design of the Thomas Langston Road Extension Project. Motion carried unanimously. (Contract No. 1505)

PROPOSED ASSIGNMENT OF CABLE TELEVISION FRANCHISE FROM COXCOM, INC., TO CEBRIDGE ACQUISITION, L.P.

City Attorney Holec informed the City Council that CoxCom, Inc. proposes to assign its cable television franchise in Greenville to Cebidge Acquisition, L.P. Cox filed the required form with the FCC relating to the assignment, and the City received the form on December 13, 2005. By federal law, the City must act upon the assignment within 120 days of its receipt of the form. Cox has agreed to give the City an additional day so that the City may take the necessary action

at Council's April 10 and 13, 2006 meetings.

The assignment of Greenville's franchise is part of the sale by CoxCom to Cebridge of a number of cable television systems. Systems being sold include other systems in North Carolina serving the Greenville, Rocky Mount, New Bern and Kinston areas; a concentration of systems in Texas, Louisiana, and Arkansas; and some systems in California, Oklahoma, Mississippi, and Missouri. Cebridge is purchasing from Cox approximately 940,000 cable subscribers. The purchase price as disclosed in the Asset Purchase Agreement, which accompanied the FCC form, is \$2.55 billion. With the transaction, Cebridge will become the eighth largest cable operator in the country, serving more than 1.3 million customers.

Rice, Williams and Associates, the City's cable consultant, has assisted the City in the review of the proposed assignment. This includes a review of information provided by Cox and Cebridge, which was provided with the FCC form and in response to the City's request for additional information and also follow-up discussions with Cox and Cebridge. During the past two weeks, there have been many discussions with CoxCom and Cebridge. Staff comes before Council with a recommendation for approval of the requested assignment. The approval is in the form of an ordinance, which contains the following conditions:

1. Cebridge is to maintain at least the same level and quality of cable system technical operations, cable services and customer service as Cox has during the past year.
2. A guarantee will be provided to the City by Cebridge. The ultimate parent corporation of Cebridge will provide a letter, which acknowledges this guaranty.
3. A letter of credit in the amount of \$925,000 will be provided to the City to guarantee the performance by Cebridge. This letter of credit, along with the existing performance bond will provide \$1 million for the City to draw upon if there is non-compliance.
4. Quarterly unaudited financial statements will be submitted to the City during the term of the franchise.
5. A report will be provided by Cebridge 6 months after it takes over.
6. The organizational chart for the company will be submitted to the City.

All of these conditions are designed to ensure that the company that is taking over will continue to perform. In addition, Cebridge and Cox have agreed to provide to the City services which provide an institutional network to some of the City's buildings. There is a Memorandum of Understanding that sets this out. This is an issue which has been addressed during renewal discussions, but it was decided it would be appropriate to settle this issue at this time. Information Technology Director Rex Wilder has been involved in the negotiations and is of the opinion that these services will assist in providing institutional network services to City locations. Mr. Wilder also estimates that the institutional network services will provide a savings to the City of approximately \$105,000 over a 5-year period. In consideration for receiving these institutional network services, the City will be agreeing to not request additional institutional

network services during the upcoming renewal of the franchise.

City Attorney Holec reiterated that there are two processes, the assignment and the renewal discussions. The renewal discussions will continue and will occur with Cebridge after the transaction occurs. The anticipated sale of the system and the transfer will be accomplished toward the end of this month. The City's current franchise expires September 23, 2006. If Council approves the transaction, a second reading of the ordinance will be required at the April 13, 2006 meeting.

Mayor Parrott stated that the City receives quarterly unaudited statements, but also receives an annual audited statement.

City Attorney Holec informed the Council that the Transfer Agreement gets the City through the end of the City's current franchise, which will be September 2006. There will not be financial statements at the end of that time. If there is any renewal to get to that state, the City can require it.

Council Member Spell asked City Attorney Holec if he was referring to negotiations relating to public, educational and governmental access channels when he stated that the City will send in a request for additional institutional network services

City Attorney Holec replied that it only applies to a request for additional institutional network services and that is a good point to make sure that is clear. The PEG is a big part of the renewal discussions. Institutional networks are separate from the PEG. PEG is a public educational and governmental access channel.

Council Member Dunn asked if institutions serve within the City's organizations

City Attorney Holec replied that this is for the City to have a connection and be able to give a transmission between the City's different buildings.

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Craft to adopt the following:

- 1) Ordinance approving the Assignment of the Cable Communications Franchise.
- 2) Transfer Agreement by and between the City of Greenville, North Carolina and Cebridge Acquisition, LP.
- 3) Memorandum of Understanding with CoxCom, Inc., and Cebridge Acquisition, L.P.
- 4) Guaranty from Cebridge III, LLC of performance of Cebridge Acquisition, L.P.

Motion carried unanimously. (Ordinance No. 06-43, Contract No. 1507)

DISCUSSION OF LEGISLATIVE INITIATIVES TO NORTH CAROLINA GENERAL ASSEMBLY

City Attorney Holec informed the City Council that the North Carolina General Assembly would convene at 12:00 noon on Tuesday, May 9, 2006. The deadline for submitting local bills to the General Assembly's Legislative Bill Drafting has been established as May 17, 2006, and the deadline for the introduction of local bills has been established as May 24, 2006.

Discussion by Council of issues and local acts which it desires to pursue with the local legislative delegation during this Session should occur at this time so that the City's legislative initiatives can be developed and identified. Upon Council reaching a consensus, resolutions for Council's consideration will be presented at the Thursday, April 13, 2006, meeting which will request the City's local legislative delegation to seek enactment of identified initiatives during the Session.

The City is not alone in its efforts to secure legislation that will assist the City in providing services to citizens. The North Carolina League of Municipalities, in representing more than 530 member cities, towns, and villages, promotes the common interests of municipalities in the General Assembly. The League has legislative goals and policies that are promoted through staff members advocating these policies with the General Assembly.

Based upon the input received from Council Members and City staff, some potential legislative initiatives for Council to consider for this session or future sessions have been developed and are as follows:

1. Seek authority of the City to adopt regulations relating to limiting the clear-cutting of trees on private property in buffer zones prior to development. The City's Environmental Advisory Commission has expressed an interest in this legislation and provided a sheet to Council at Council's January 9, 2006, meeting which sets forth the requested framework for limiting clear cutting on private property. A memo dated February 24, 2006, provided information to council relating to this issue, including examples of some local acts and local ordinances. Also included in this information was the list of local legislation relating to tree preservation from 1997 to 2005 and Session Law 2003-246, which is legislation that closely conforms to the request of the Environment Advisory Commission.

Council Member Spell asked if the resolution would affect anyone's right to cut down a tree in his or her yard.

City Attorney Holec replied that the resolution would not give Council the authority to do that.

Council Member Little stated that his only concern was getting a clear definition of "prior to development" and wanted to make sure that the intent is to prohibit clear cutting without any semblance of a plan and once a plan is submitted, that a 50 foot or 25 foot buffer can be handled through the City's normal developmental process.

City Attorney Holec replied that the definition would be included in the resolution.

Council Member Craft reiterated that there has been some conflict as to the way the City may interpret the definition and the way citizens may interpret it. Mr. Holec has been asked to clear up the interpretation before Thursday, April 13, 2006.

(The Council asked the City Attorney to prepare a resolution for this item.)

2. Support Pitt County in its efforts to secure a local option sales tax for education needs in Pitt County. On February 10, 2005, City Council approved a resolution, which expressed support to allow Pitt County the ability to implement a 1% local option sales tax to be dedicated exclusively for education-related capital needs. During the 2005 Session, the House approved legislation that provided the authority for 45 counties (including Pitt County) to levy a ½% local option sales tax for school construction subject to a referendum. The 2005 Session ended prior to the Senate being able to vote on the bill. This bill is eligible for consideration during the 2006 Session.

(The Council asked the City Attorney to prepare a resolution for this item.)

3. Support the establishment of a School of Dentistry at East Carolina University and request legislative action involving funding allocation for the East Carolina School of Dentistry. North Carolina faces a growing shortage of dentists, especially in the rural areas of the state. A School of Dentistry at East Carolina University would address the rural and underserved populations of the state in a similar manner as the Brody School of Medicine does. Additionally, there are significant economic impact and benefits to the City of Greenville and its citizens, which would be generated by the location of School of Dentistry in Greenville. This includes providing increased employment opportunities and building the healthcare infrastructure, which will help in attracting jobs and industry.

(The Council asked the City Attorney to prepare a resolution for this item.)

4. Seek authority for the City to levy an additional 2% room occupancy tax above the existing 6% currently levied by the County on the gross receipts derived from the rental of room accommodations. The proceeds of the tax would be required to be utilized only for economic development projects or possibly for a single identified economic development project such as a ballpark to accommodate minor league baseball. There is precedent for such legislation. In 2005, the General Assembly approved an act which allowed Mecklenburg County to levy an additional 2% occupancy tax above the previously authorized 6% in order to fund the NASCAR Hall of Fame Museum Facility and an adjacent NASCAR/convention center ballroom facility. This bill would be unlikely to qualify as a certified non-controversial local bill.

(The City Council did not support this issue)

5. Prepared Foods Tax, another alternative revenue source.

(The City Council did not support this issue)

City Attorney Holec informed the Council that he would prepare the resolutions as directed for consideration at the April 13, 2006 meeting.

PREVIEW OF PROPOSED CITY OF GREENVILLE FY 2006-2007/2007-2008 BUDGET

City Manager Bowers gave a preview of the upcoming budget.

PREVIEW OF PROPOSED GREENVILLE UTILITIES COMMISSION FY 2006-2007/2007-2008 BUDGET

General Manager Ron Elks gave a preview of the upcoming budget.

REVIEW OF APRIL 13, 2006 CITY COUNCIL AGENDA

The Council did a cursory review of the items on the April 13, 2006 City Council Meeting agenda and reviewed the appointments to Boards and Commissions.

COMMENTS FROM MAYOR AND CITY COUNCIL

Council Member Spell welcomed Mr. Thom Moton, Assistant City Manager, to the City of Greenville.

Mayor Pro-Tem Council stated that she enjoyed greeting students at the East Carolina Open House on Saturday and also enjoyed the International Festival held on the Town Commons.

Council Member Craft expressed condolences to the E.R. Lewis family on behalf of the City Council on the passing of Mr. Lewis, the father of Rita Andrews and Harvey Lewis, who have given generously in many ways to the City and East Carolina University.

Council Member Dunn announced the Community Appearance Commission Awards -- Greenville Pediatrics, Bostic Sugg Furniture and Charmed Peacock. Council Member Dunn commended City staff for their hard work on the International Festival and she also thanked everyone who participated in the Spring Clean-up.

Council Member Glover also welcomed Mr. Thom Moton to Greenville. Council Member Glover stated the Martin Luther King Street Naming Committee has held two community meetings with good dialogue. Council Member Glover informed the Farmville Boulevard residents that she is not exchanging the street for a naming of Martin Luther King contrary to what is being said. Council Member Glover stated that the Police Community Relations Committee will meet Wednesday at 7:00 p.m.

CITY MANAGER'S REPORT

April 24, 2006 City Council Meeting - Cancelled

City Manager Bowers stated that several Council Members are going to be in Athens, Georgia on an InterCity Visit from April 23-25 and recommended that the April 24, 2006 City Council meeting be cancelled.

Motion was made by Council Member Craft and seconded by Council Member Glover to cancel the April 24, 2006 City Council meeting. Motion carried unanimously.

International Festival

City Manager Bowers congratulated the Public Information Office on the International Festival.

Closing in Observance of Good Friday

City Manager Bowers informed the City Council that City offices would be closed Friday, April 14, 2006 in observance of Good Friday.

Deputy City Manager Recognized

City Manager Bowers recognized Mr. Thom Moton as the new Assistant City Manager.

ADJOURN

Motion was made by Council Member Dunn and seconded by Mayor Pro-Tem Council to adjourn the meeting at 8:15 p.m. Motion carried unanimously.

Respectfully submitted,

Patricia A. Sugg, CMC
Deputy City Clerk